

ON PAPERS**Registration Appeals Committee
(Registration Appeal Hearing)****26 February 2025****Name:** TERESHCHENKO, Svitlana**Case number:** CAS-208497

General Dental Council: Samantha Boafo, ILAS**Appellant:** Unrepresented

Outcome: Remitted back to the Registrar

Committee Members:	Zareen Elleby	(Dental Care Professional) (Chair)
	Arif Sadikot	(Dentist)
	Lynne Vernon	(Lay)

Legal Adviser: Tanveer Rakhim**Committee Secretary:** Andrew Keeling

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1. This Registration Appeals Committee (RAC) was convened to consider Ms Tereshchenko's appeal against the decision of the Registrar of the General Dental Council (GDC) that she is not currently eligible for registration as an Orthodontic Therapist. The meeting was held in accordance with the terms of the General Dental Council (Registration Appeals) Rules Order of Council 2006 ('the Registration Appeal Rules'), pursuant to Schedule 4A of the Dentists Act 1984 (as amended) ('the Act').
 2. The meeting was conducted remotely on Microsoft Teams. Neither party was present today, following a request by the General Dental Council (GDC) for Ms Tereshchenko's appeal to be considered on the papers.
 3. The Committee first considered the issues of service and whether to proceed with the hearing on the papers in the absence of Ms Tereshchenko and any representatives for either party. The Committee accepted the advice of the Legal Adviser on both of these

matters as to the provisions of the Rules and the approach it should take to its decision.

Decision on Service and conducting the appeal in the absence of Ms Tereshchenko and on the papers

4. Notification of this appeal was sent to Ms Tereshchenko by Recorded Delivery and secure email on 20 January 2025 in accordance with Rule 5 of the Registration Appeal Rules.
5. On the basis of all the information provided, the Committee was satisfied that the notice of hearing had been served on Ms Tereshchenko in accordance with the Rules and the Act.
6. The Committee noted that in a subsequent email, dated 11 February 2025, the GDC had proposed to Ms Tereshchenko that her appeal be heard on the papers. The Committee noted Ms Tereshchenko's email in response on the same date stating that, *"I'm happy to support your proposal and agree to request that "the hearing listed on 26 February 2025 to be heard before the Registration Appeal Committee on the papers".*
7. In the circumstances, the Committee was satisfied that it was appropriate to consider today's appeal in the absence of either party and on the papers.

Legal Framework

The Dentists Act 1984 (as amended) ("the Act")

8. Section 36C of the Act sets out the relevant requirements for qualification for registration in the dental care professionals (DCP) register:

(1) Subject to the provisions of this Act, a person shall be entitled to be registered under a particular title in the dental care professionals register if he satisfies the registrar—

- (a) of matter A or C, and
(b) of matter D.*

(2) Matter A is that the person holds a qualification or qualifications approved by the Council under section 36D(2) in relation to the profession, or class of members of a profession, to which the title applies.

...

(4) Matter C is that the person—

- (a) holds a qualification or qualifications granted by an institution or institutions*



outside the United Kingdom relevant to the profession complementary to dentistry, or class of members of such a profession, to which the title applies (in this section referred to as “relevant qualifications”); and

(b) has satisfied the Council that he has the requisite knowledge and skill to practise as a member of the profession or class to which the title applies.

(4A) Subsection (4)(b) does not apply to a person whose application for registration is made in reliance on a relevant qualification that—

(a) was granted in a relevant European State; and

(b) demonstrates, in the opinion of the Council, a comparable level of knowledge and skill to that demonstrated by a qualification approved (or qualifications together approved) in respect of the same profession or class under section 36D(2).

(5) For the purpose of establishing whether a person has the requisite knowledge and skill for the purposes of subsection (4)(b), the Council—

(a) shall take into account all that person's relevant qualifications, and all relevant knowledge or experience, wherever acquired; and

(b) may determine that a person must perform to the satisfaction of the Council in any test or assessment specified in the determination.

(6) Matter D is—

(a) the person's identity;

(aa) that he has the necessary knowledge of English;

(b) that he is of good character; and

(c) that he is in good health, both physically and mentally.

9. Ms Tereshchenko's application for registration was made under Matter C and D. Ms Tereshchenko is relying on her Specialist Diploma of Dentistry obtained in Ukraine in 2014.

10. On 8 March 2023, Section 36C(4)(a) of the Act was amended to remove the diploma in dentistry from the definition of relevant qualifications for this section. As a result, new applicants cannot rely on a degree or diploma in dentistry qualification to join the DCP register. Ms Tereshchenko's application was received prior to this amendment. Accordingly, her application was processed in line with the legislation in force at the time (as set out above).

11. The only matter under consideration in this appeal is whether Ms Tereshchenko has the necessary knowledge of English to practise as an orthodontic therapist.

Background

Application for registration

12. Ms Tereshchenko submitted an application for registration as an orthodontic therapist on 6 March 2023 with supporting documents.

Assessment of Application and Decision

13. On 10 May 2024 the GDC emailed Ms Tereshchenko informing her, that upon initial consideration of her application, there appeared to be a number of documents missing, rendering her application incomplete. As such the GDC requested that Ms Tereshchenko provide copies of the missing documents, which were a signed copy of the application form, certified copies of relevant documentation, professional references and a validated syllabus from her dental school.
14. On 10 May 2024, the GDC received an email from Ms Tereshchenko. Ms Tereshchenko informed the GDC that she would try to provide the information requested. Ms Tereshchenko attached further evidence with clarification for the syllabus. In reference to the deadline, Ms Tereshchenko requested that the GDC extends the deadline to provide the documents to three months (10 August 2024). She stated that due to a war in Ukraine it was impossible to obtain the necessary requested documents in a timely manner.
15. On 13 May 2024, the GDC received a further email from Ms Tereshchenko. Ms Tereshchenko stated she would like clarification on what the syllabus should look like and contain.
16. On 21 May 2024, the caseworker on behalf of the GDC emailed Ms Tereshchenko. The caseworker advised that the original language syllabus and syllabus cover letter that were provided by Ms Tereshchenko were not wet ink certified by her Dental School.
17. On 21 May 2024, the caseworker further advised that the GDC were unable to provide an extension of a further three months to Ms Tereshchenko and her supporting evidence would need to be provided by the original extension deadline of 10 July 2024.
18. On 10 July 2024, the GDC received a further email from Ms Tereshchenko. Ms Tereshchenko explained that due to the Ukrainian war, it was not possible for the documents to be certified. Ms Tereshchenko asked, in light of the challenging circumstances, whether it would be possible to use the service of a local certified person.
19. On 11 July 2024, the caseworker emailed Ms Tereshchenko and explained that the GDC only required certified copies and were happy to accept certification by a person entitled to practise law in the UK.

20. On 18 July 2024, the GDC received an email from Ms Tereshchenko. Ms Tereshchenko informed the GDC that she has prepared and will provide the information requested. In reference to the English language requirement, Ms Tereshchenko stated:
- a) She had completed a paper based International English Language Testing System (IELTS) on 14 July 2024 and did not meet the results needed.
 - b) She planned to retake the IELTS on 28 July 2024.
21. On 22 July 2024, the caseworker sent an email to Ms Tereshchenko informing her that the deadline will be extended to 22 August 2024 and that if all documents were not received by the deadline, her application will be returned.
22. On 16 August 2024, the GDC received an email from Ms Tereshchenko. Ms Tereshchenko provided evidence of the unavailability of centres providing IELTS exams and requested the evidence to be considered. Ms Tereshchenko also explained that due to the technical issues with the IELTS online, she did not have an opportunity to take the exam.
23. On 23 August 2024, the GDC emailed Ms Tereshchenko to advise that if her documents are not received at the GDC's office by 27 August 2024, her application would be returned to her. The GDC informed her that a further extension will not be possible after this date.
24. On 26 August 2024, the GDC received an email from Ms Tereshchenko requesting a further extension to provide the required information. She stated that she would be taking the IELTS exam again on 29 August 2024 and results would be provided typically within one to five days.
25. On 27 August 2024, the caseworker confirmed that the GDC were unable to provide a further extension to Ms Tereshchenko and her supporting evidence would be returned to her as she did not adhere to the previous deadlines. The email stated that since 8 March 2023, she cannot use an overseas diploma in dentistry to support an application for registration as a DCP in the UK. Therefore, she will no longer be able to apply via this route for registration. Ms Tereshchenko was advised on alternative routes to apply to join the register.

Assessment of Application and Decision

26. On 27 August 2024, the Caseworker sent an outcome letter to Ms Tereshchenko's registered address. The outcome letter stated that the GDC decided that Ms Tereshchenko was not eligible for registration as an Orthodontic Therapist as she had not satisfied the Registrar that she possesses the requisite knowledge of English to practice as a member of the profession. The reasons for the decision were:

"Having considered all the evidence provided, the registrar is not satisfied that you have the necessary knowledge of English. You did not initially provide Evidence of

English Language with your application, you then advised on 18 July 2024, that you did not achieve the minimum scores of 6.5 in each category with an overall minimum of 7.0 in your Academic IELTS certificate. Your initial deadline to provide sufficient evidence of English language competency was 10 June 2024, then extended to 10 July 2024, 24 July 2024, 22 August 2024 and lastly 27 August 2024. No further evidence was provided by the deadline date.”

27. Ms Tereshchenko was notified that the decision to refuse entry to the register was an appealable decision, and as such, Ms Tereshchenko had 28 days (after the date of the letter) to appeal the decision.

Correspondence

28. On 30 August 2024, Ms Tereshchenko emailed the GDC stating that she had passed the exam and received the required results. Ms Tereshchenko asked the GDC to reconsider and to allow her to provide the required information.
29. On 2 September 2024, the caseworker confirmed that the GDC had returned her application to her on 27 August 2024. The Council stated that as Ms Tereshchenko did not adhere to the deadlines set, they are unable to progress her application further.
30. On 2 September 2024, the GDC received an email from Ms Tereshchenko. Within her email, Ms Tereshchenko sets out the following grounds for the GDC to reconsider their decision and to allow an extension:
- a) Ms Tereshchenko needs to work to support her family and wishes to return to a field which is close to her heart and familiar;
 - b) Ms Tereshchenko is highly skilled orthodontist from Ukraine and is confident she would be of great benefit to society in the UK; and
 - c) Ms Tereshchenko did not plan to migrate but due to war, herself and her family were forced to move to the UK. She has put in a great deal of effort to obtain her registration and is facing technical challenges as a result of her situation.
31. On 4 September 2024, the caseworker confirmed that the GDC was unable to progress her application any further. The GDC returned her application and supporting documents to her on 27 August 2024.

Notice of Appeal and Additional Evidence

32. On 20 September 2024, the GDC received a Notice of Appeal (“NOA”) from Ms Tereshchenko by way of email. Within her NOA, Ms Tereshchenko set out that she is appealing the GDC’s decision on the following grounds:
- a) She was unable to provide evidence of her English language by the deadline due to circumstances outside of her control.
 - b) She successfully achieved the required IELTS results on 29 August 2024.

33. On 24 September 2024, the GDC sent an email to Ms Tereshchenko requesting her to send back her application for the appeal process as it was returned to her previously.
34. On 24 September 2024, the GDC received an email from Ms Tereshchenko stating she would provide the requested documents as soon as possible.
35. Ms Tereshchenko provided the following supporting documents:
- a) IELTS test report form dated 29 August 2024 (Listening Score – 7.0, Reading Score – 7.0, Writing Score – 6.5. Speaking Score – 7.0; Overall Band Score - 7.0).

Submissions

36. In the GDC's written submissions, the Registrar's position was set out as follows:

"As set out above, the Council has carefully considered the totality of the information provided, including the updated IELTS report dated 29 August 2024 (which meets the Council's language controls). The Council now considers the Appellant has demonstrated she has the necessary knowledge of English required for registration under section 36C(6)(aa) (Matter D). The Council accordingly considers the Appellant has satisfied the required burden.

The Council notes that ultimately the Appeal Committee must make its own determination based on the information before it. The Council formally concedes the appeal, and considers it would be appropriate to make the order sought, namely to quash the Registrar's decision and remit the application back to the Registrar to submit the application to an assessment panel in accordance with paragraph 4(8) of Schedule 4A to the Act.

For the avoidance of doubt, the Council accepts that the Appellant's application for registration will continue to be assessed on the basis of the law that applied at the time the application was made, which would allow the Appellant's overseas qualifications to be considered.

If the Committee is so minded, the Council submits for this matter to be dealt with on the papers."

The Committee's Powers

37. A decision by the Registrar not to register a person's name in the dental care professional's register is an appealable registration decision under Section 36J and Schedule 4A of the Act. Paragraph 4(8) of Schedule 4A to the Act provides that the Committee may determine to:

- a) dismiss the Appeal;

- b) allow the appeal and quash the decision appealed against;
- c) substitute for the decision appealed against any other decision which could have been made by the Registrar; or
- d) remit the case to the Registrar to dispose of in accordance with the directions of the Registration Appeals Committee.

The Committee's Decision

38. The Committee had regard to the documentary evidence provided today and took account of the written representations made by the GDC and Ms Tereshchenko's Notice of Appeal. It accepted the advice of the Legal Adviser.

39. The Committee had regard to the GDC document titled, "*Evidence of English Language Competence: Guidance for applicants*" and noted the required IELTS pass scores for dental professionals. This was a minimum score of 6.5 in each of the four categories (reading, writing, listening and speaking) and an overall average score of 7. The Committee also had sight of Ms Tereshchenko's IELTS test certificate, 29 August 2024, which showed she had achieved the following scores:

- Listening Score – 7.0,
- Reading Score – 7.0,
- Writing Score – 6.5,
- Speaking Score – 7.0;
- Overall Band Score - 7.0.

40. The Committee concluded that Ms Tereshchenko has demonstrated that she has the necessary knowledge of English required for registration under Section 36C(6)(aa) (Matter D).

41. Therefore, in accordance with paragraph 4(8) of Schedule 4A of the Act, the Committee has determined to remit Ms Tereshchenko's case back to the Registrar to submit the application to an assessment panel in accordance with paragraph 4(8) of Schedule 4A to the Act.

42. That concludes this meeting.